

Category: Human Resources  
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## Legislative Engagement

*The following policy guidelines apply to all Montana Department of Commerce employees; understanding that there may be exceptions if you serve an administratively attached agency that has authority to create its own policy on particular matters contained herein. If you serve at an administratively attached agency and are unsure if there are exceptions that apply to you, please consult your supervisor.*

Department of Commerce employees and board members may participate in the legislative process as representatives of the Department or of Boards attached to the Department under specific conditions and direction by the Department.

**EMPLOYEE/CITIZEN:** Department of Commerce employees have the right to advocate any personal position they have before the Legislature on any issue. Department employees choosing to participate in the legislative process as a citizen must take pre-approved annual leave or compensatory time to do so. It must be clear in their testimony they are not testifying as an employee of the Department of Commerce, but as an individual. At no time are employees allowed to testify or lobby on matters related to the Department of Commerce without prior authorization by the Director or designee.

**POLICY:** Policy positions are developed by the Director's Office in coordination with division leadership and the governor's office. Staff may not take a policy position on behalf of the Department without prior approval from the supervisor, Division Administrator and Director's Office. This includes signing on to public letters, signing petitions, advocating for or against a policy proposal, or testifying for or against a policy proposal in an official capacity representing the Department.

**BOARD MEMBERS:** Members of Boards that are administratively attached to the Department may testify on legislation in which the Board has requested the member to comment. For such testimony, the Board Member should identify themselves as a member of the Board and they are testifying at the request of the Board. Board members may testify on legislation as private citizens or in their other professional roles but It must be clear in their testimony they are not testifying as a Board Member.

**GENERAL LEGISLATION:** Hundreds of bills are introduced independently of the executive branch each legislative session. If a bill is identified through Commerce's normal review process as having an impact on your program, the Division Administrator in concert with the Director's Office will determine when, if, and how the Department will address that legislation.

**LEGISLATIVE REQUESTS:** If an employee receives a legislative related request from a legislator, legislative staff member, or any member of the public that employee must notify their immediate

supervisor and Division Administrator as soon as possible and wait for further guidance before responding. The Division Administrator must notify the Director's Office as soon as possible by sending an email to DOC Legislature summarizing the request. A response will be crafted under the advisement of the Director's Office through the employee's supervisor and Division Administrator. Such a response should be supported by factual, documented, publicly accessible information. If the request cannot be fulfilled by publicly accessible information (e.g. Commerce's Database), the employee receiving the request must wait to respond and fulfill the request until the Director's Office has approved the response and the fulfillment of the request. If an employee receives a request to provide testimony or an informational presentation during a bill hearing, committee hearing, or interim committee meeting that employee must first receive approval to participate from the appropriate Division Administrator and Director's Office. Presentation materials may be asked to be reviewed in advance.

If an employee is interested in initiating contact with a legislator regarding official Department of Commerce business, that communication must be approved by the Director's Office through the employee's supervisor and/or Division Administrator.

Each Division Administrator is to provide a weekly summary of legislative contacts received by their Division to the Director's Office by noon on Friday of each week.